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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,834	04/13/2006	Franz Amtmann	AT03 0057 US1	5660
65913	7550	09/02/2009		
NXP, B.V. NXP INTELLECTUAL PROPERTY & LICENSING M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131			EXAMINER RUSHING, MARK S	
			ART UNIT 2612	PAPER NUMBER
			NOTIFICATION DATE 09/02/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

# Office Action Summary

## Application No.

10/575,834

## Applicant(s)

AMTMANN ET AL.

## Examiner

Mark Rushing

## Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 6/2/09.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 19-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Status of the Claims***

1. This is in response to applicant's amendment filed 6/2/09. Claims 19-34 have been newly added and Claims 1-18 have been cancelled. Therefore, Claims 19-34 are pending in the application.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Specification***

3. Objections to the Specification have been withdrawn.

***Claim Rejections***

4. Rejections under 112 first paragraph have been withdrawn.

***Claim Rejections***

5. Claims 19-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoult (5,323,149).

Regarding Claim 19, Hoult discloses a receiving method for contactless reception of identification from a data carrier through information units by a communication device (Abstract, Col 3 Lines 2-14), the method comprising: receiving a received information unit, wherein said communication device uses said received information unit as a first information

unit originating from a first data carrier (Col 2 Lines 14-25); detecting a collision when said communication device receives at least two different information units with different values essentially simultaneously (Col 3 Lines 2-14), wherein the first information unit originates from the first data carrier and a second information unit originates from a second data carrier (Col 2 Line 26-37); using, as said first information unit originating from the first data carrier, a first replacement information unit established by the communication device instead of said received information unit (Col 3 Lines 56-61); and delivering said first replacement information unit to at least the first data carrier and the second data carrier in a contactless manner (Col 3 Lines 63-68), wherein said first replacement information unit halts only the second data carrier from continuing delivery of an information unit immediately following the previously delivered second information unit (Col 4 Lines 10-22).

Regarding Claim 20, Hoult discloses storing the received information unit as the second information unit originating from the second data carrier prior to said collision (Col 5 Lines 20-23).

Regarding Claim 21, Hoult discloses using a second replacement information unit instead of the previously established first replacement unit, wherein the second replacement information unit has a bit value opposite the value of the first replacement information unit and the communication device uses the second replacement unit as the second information unit originating from the second data carrier instead of the received information unit (Col 5 Lines 15-35, *the transmission would pick up where it left off from the first read tag, and as that bit from slave B is different from slave A, would transmit a bit value (second replacement information unit) opposite the value of the first replacement information unit*).

Regarding Claim 22, Hoult discloses the receiving method of claim 21, said receiving method further comprising: receiving all information units originating from the first data carrier until completion (Col 4 Lines 23-36); generating and delivering a continue command to the second data carrier in a contactless manner, wherein said continue command directs the second data carrier to deliver the second information unit (Col 4 Lines 29-30), beginning with an information unit immediately following a previously delivered information unit (Col 5 Lines 15-35).

Regarding Claim 23, Hoult discloses a delivering method from a data carrier to a communication device for contactless delivery of identification information of a data carrier through information units (Abstract), said method comprising: delivering an information unit (Col 3 Lines 2-14); checking for reception at said data carrier of a first replacement unit after said delivery of the information unit (Col 3 Line 63-Col 4 Line 9); continuing delivery of a further information unit, wherein the data carrier delivers an information unit immediately following the information unit previously delivered when the data carrier does not receive said first replacement information unit or when the data carrier receives the first replacement information unit and said first replacement information unit contains a value identical to the previously delivered information unit (Col 4 Lines 5-16); and halting the delivery of information units when the data carrier delivers all of said identification information (Col 4 Lines 17-22).

Regarding Claim 24, Hoult discloses the delivering method of claim 23, further comprising: halting delivery of an information unit (Col 4 Lines 17-22), wherein the data carrier halts delivery of the information unit immediately following the information unit previously delivered when the data carrier receives said first replacement information unit and said first

replacement information unit is not identical to the previously delivered information unit (Col 4 Lines 17-22).

Regarding Claim 25, Hoult discloses the delivering method of claim 24, wherein the data carrier continues delivering the information unit after reception of a continue command from the communication device, said delivery beginning with the information unit immediately following a previously delivered information unit (Col 4 Lines 23-36, Col 5 Lines 15-35).

Regarding Claim 26, Hoult discloses a communication device circuit (Col 2 Line 67) designed for contactless communication with a data carrier storing identification information, the communication device circuit comprising: receiving means for receiving a received information unit (Abstract, Col 3 Lines 2-14), wherein said communication device circuit uses said received information unit as a first information unit carrying a portion of a first identification information from a first data carrier (Col 3 Lines 56-61); detecting means for detecting a collision of two different information units with two different values (Col 3 Lines 2-14), wherein the first information unit originates from a first data carrier and a second information unit originates from a second data carrier (Col 2 Lines 26-37); replacing means for replacing the received information unit with a first replacement information unit established by the communication device circuit to be used by said communication device circuit as the first information unit from the first data carrier (Col 3 Lines 56-61); and delivering means for contactless delivery of the first replacement information unit to at least the first data carrier and the second data carrier (Col 3 Lines 63-68), wherein said first replacement information unit halts only the second data carrier from continuing delivery of an information unit immediately following the previously delivered second information unit (Col 4 Lines 10-22).

Regarding Claim 27, Hoult discloses the communication device circuit of claim 26, further comprising: storing means for storing each received information unit prior to the collision as a unit originating from the second data carrier (Col 5 Lines 20-23).

Regarding Claim 28, Hoult discloses the communication device circuit of claim 27, wherein the replacing means are configured to: replace the first replacement information unit with a second replacement information unit, wherein the communication device circuit uses the second replacement information unit as the information unit originating from the second data carrier instead of the received information unit when a collision occurs (Col 5 Lines 15-35, *the transmission would pick up where it left off from the first read tag, and as that bit from slave B is different from slave A, would transmit a bit value (second replacement information unit) opposite the value of the first replacement information unit*).

Regarding Claim 29, Hoult discloses the communication device circuit of claim 28, further comprising continue command means configured to: generate a continue command (Col 4 Lines 23-36), and deliver said continue command, wherein said continue command restarts the second data carrier delivering the second information unit (Col 4 Lines 29-30) beginning with the information unit immediately following the previously delivered second information unit (Col 5 Lines 20-35).

Regarding Claim 30, Hoult discloses a communication device comprising the communication device circuit of claim 26 (*all elements are addressed with regard to Claim 26*).

Regarding Claim 31, Hoult discloses a data carrier circuit (Col 2 Line 67) designed for contactless communication with a communication device that stores data carrier identification information (Abstract), the data carrier circuit comprising: delivering means for delivery of an

information unit in a contactless manner (Col 3 Lines 2-14); and checking means for receiving a first replacement information unit established in the communication device after the data carrier circuit delivers said information unit (Col 3 Line 63-Col 4 Line 9); wherein the delivering means continues delivery of the identification information, beginning with an information unit immediately following the previously delivered information unit when the data carrier circuit does not receive said first replacement information unit or receives the first replacement information unit that contains a value identical to the previously delivered information unit (Col 4 Lines 5-16), and halts the delivery of information units when the data carrier circuit delivers all of the identification information (Col 4 Lines 17-22).

Regarding Claim 32, Hoult discloses the data carrier circuit of claim 31, further comprising: means for halting delivery of the identification information (Col 4 Lines 17-22) when the data carrier circuit receives the first replacement information unit that is not identical to the previously delivered information unit (Col 5 Lines 15-35\*\*\*); and storing means of a position immediately following the previously delivered information unit (Col 4 Lines 17-22; Col 5 Lines 20-23).

Regarding Claim 33, Hoult discloses the data carrier circuit of claim 32, further comprising: receiving means for receiving a continue command from the communication device; detecting means for detecting said continue command; and continuing means for delivering an information unit immediately following the previously delivered information unit after detecting a continue command (Col 4 Lines 23-36; Col 5 Lines 15-35).

Regarding Claim 34, Hoult discloses a data carrier comprising the data carrier circuit of claim 31 (*all elements are addressed with regard to Claim 31*).

***Response to Arguments***

6. Applicant's arguments filed 6/2/2009 have been fully considered but they are not persuasive for the following reasons:

Arguments:

- a. Applicant respectfully submits that the publications of record fails to disclose, teach, or suggest the subject matter quoted and described above. In particular, none of the publications of record disclose halting the delivery of only the second source by sending a replacement information unit to both the first and second data carriers.
- b. Applicant respectfully submits that the publications of record fails to disclose, teach, or suggest the subject matter quoted and described above. In particular, none of the publications of record disclose waiting for receipt of a replacement information unit and halting delivery of further information units if the RIU is received and not equal to the previous information unit sent.

Responses:

- a, b: Applicant's arguments with respect to Claims 19, 26, 23 and 31 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Rushing whose telephone number is (571)270-5876. The examiner can normally be reached on Monday-Friday 8:30AM to 5:00PM EST (Alt Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MR/

/Daniel Wu/  
Supervisory Patent Examiner, Art Unit 2612